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SUBJECT: COURT UNEXPECTEDLY ORDERS REOPENING OF SUSPICIOUS DEATH
CASE

REF: Yerevan 392

(U) Sensitive but unclassified. Please protect accordingly.

SUMMARY

¶1. (SBU) Catching human rights observers by surprise, a Yerevan first instance court judge on June 6 ordered the reopening of the investigation into the suspicious May 2007 death of Levon Gulian by Armenia's Special Investigative Service (SIS). The Prosecutor General's Office (PG), which had approved SIS's decision to call the case closed, has 10 days in which to appeal the judge's order. At least for now, the order has vindicated Gulian family claims of a wrongful death, and confirmed the need for a new investigation. No representatives from either the PG's Office or SIS attended the hearing. End summary.

RULING TO REOPEN INVESTIGATION

¶2. (SBU) The ruling came in response to an April 8 appeal by Gulian's family to dispute the SIS's March 12 decision to close the case. That decision found that Gulian's death was of his own doing, and not the result of police malfeasance (reftel). An additional appeal to the Prosecutor General's Office on March 20 was rejected on March 26. During hearings at the first instance court, the Gulian family was allowed to present their principal questions and concerns about the handling of the investigation into Levon's suspicious death. (Note: Emboffs attended all the hearings related to the appeal, which were postponed on several occasions, and which led many observers to conclude the judge would side with the prosecution, as is the prevailing practice in Armenian courts. End note.)

REACTIONS

¶3. (SBU) Expressing astonishment, Gulian family lawyer Hrayr Ghukasian told reporters after the ruling that "so far this has been the most positive step throughout the entire investigation," which has now lasted over a year. Ghukasian sounded caution as well, however, saying the ruling represented only the beginning of a new case, and it remained to be seen whether law enforcement bodies will re-investigate the case in a more appropriate manner.

¶4. (SBU) Aram Karakhanian, a second lawyer for the family, speculated to Emboff on possible motives behind the ruling. One was that the authorities, through the Gulian case, finally wanted to do away with a notorious deputy police chief who was initially

suspected as the officer responsible for Gulian's death. Karakhanian's other guess, which many local observers echoed, was that the ruling was made in order to slow the case's progression toward the European Court of Human Rights.

COMMENT

[¶5](#). (SBU) At least temporarily, the ruling is a positive human rights development. Police brutality is commonplace in Armenia, and covering it up is also a problem. It is also rare in the Armenian judiciary for judges to buck the all-powerful prosecution, especially in high-profile cases such as Gulian's. It remains to be seen, however, whether the PG's Office will obey the new ruling and properly conduct a new investigation. End comment.

PENNINGTON